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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,571	03/03/2004	Gilles Soucy	04104-060	3108
56535	7590	10/12/2006	EXAMINER	
BROUILLETTE & PARTNERS			BELLINGER, JASON R	
METCALFE TOWER, 1550 METCALFE STREET			ART UNIT	PAPER NUMBER
SUITE 800			3617	
MONTREAL, QC H3A-1X6			DATE MAILED: 10/12/2006	
CANADA				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/791,571	SOUCY ET AL.
	Examiner Jason R. Bellinger	Art Unit 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 3, 11 and 16-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9,13-15,20 and 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. The declaration filed on 25 August 2006 under 37 CFR 1.131 is sufficient to overcome the Deland et al reference.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Terminal Disclaimer***

3. The terminal disclaimer filed on 25 August 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent 6,973,296 has been reviewed and is NOT accepted for the reasons set forth below.

4. The assignee has not established its ownership interest in the application, in order to support the terminal disclaimer. There is no submission in the record establishing the ownership interest by either (a) providing documentary evidence of a chain of title from the original inventor(s) to the assignee and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11, or (b) specifying (by reel and frame number) where such documentary evidence is recorded in the Office (37 CFR 3.73(b)).

***Claim Objections***

5. Claim 8 is objected to because of the following informalities: The term "embossing" should be replaced with the term --embossment--, to more clearly define the invention, due to the fact that the term "embossment" is the noun form of the term "emboss". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-9, 13-15, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishimoto in view of Hori and in further view of Ono.

In Figures 1 and 5-6, Ishimoto shows a traction band 7 used on a vehicle at least one sprocket 6. The track 7 is made from an elastomeric material and includes an inner surface that faces a road wheel 8 and sprocket wheel 6, and an outer surface that engages the ground. The track 7 includes a longitudinally extending band body, and at least one row of guide horns 64 that protrude from the inner surface. The sprocket 6 does not drivingly engage the guide horns 64.

Ishimoto does not show the traction band including a plurality of road wheels. Hori teaches the use of a vehicle 1 having a traction band 2 with a plurality of road wheels 6 with a sprocket wheel 4 (see Figure 1). Therefore it would have been obvious

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to one of ordinary skill in the art at the time of the invention to provide the traction band of Ishimoto with a plurality of road wheels, for the purpose of providing more support for the traction band during operation, dependent upon the weight of the vehicle and the terrain over which the traction band will travel.

Ishimoto also does not show the traction band including reinforcement. In Figures 14-16, Ono teaches the use of a traction band 80 having a body 21 made from an elastomeric material, and having an inner surface 26 to face a plurality of wheels of a tracked vehicle and an outer surface 27 that faces the over which the vehicle travels. At least one row of lugs 23 protrudes from the inner surface, and lug reinforcements 60 embedded within the body 21. Each lug reinforcement 60 includes a sheet-like reinforcing portion 62 that extends into the lugs 23. At least one stabilizing portion 61 is connected to the reinforcing portion 62 and is embedded in the body of the traction band 80.

Main tensile cords 22 extend along the circumference of the body of the traction band 80, with the stabilizing portions 61 located between the inner surface of the body and the cords 22. The reinforcing portion 62 includes longitudinally extending areas (623 & 624) that are parallel planar areas that are included and connected to each other. Each reinforcing portion 62 includes a laterally extending structure 65 that laterally rigidifies the reinforcing portion 62. This structure 65 could be considered an "embossing" on the longitudinally extending areas (623 & 624). The stabilizing portions 61 extend longitudinally. The traction band 80 includes a central longitudinally extending

band portion with a lateral band portion on each side of the central portion. The lug reinforcement 60 is a rigid metal plate.

Ono does not specify that the rigid plate of the lug reinforcement is formed from plastic. It is well known in the art that metal elements may be replaced with plastic elements having similar physical properties and characteristics in order to reduce the weight of an assembly without sacrificing strength, etc. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the lug reinforcements from a plastic having equivalent characteristics to a metal, in order to reduce the weight of the track assembly.

Therefore from these teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the guide horns and traction band of Ishimoto as modified by Hori with the reinforcement configuration taught by Ono, for the purpose of increasing the durability of the traction band, reducing lateral deflection of the guide horns when engaged by the road wheels (thus reducing wear on the guide horns), and preventing "de-tracking" of the wheels. This would also reduce maintenance costs by providing a longer-lasting and durable traction band.

The road wheels 6 of Hori would be positioned over the stabilizing portions 61 of Ono when the traction band 7 (of Ishimoto) is mounted on the vehicle.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-2, 4-9, 13-15, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

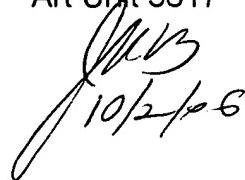
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger  
Primary Examiner  
Art Unit 3617



10/2/06